



PATENT
ATTORNEY DOCKET NO.: 040894-5683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Kayo TERAMOTO) Confirmation No.: 1847
Application No.: 09/891,288) Group Art Unit: 2652
Filed: June 27, 2001) Examiner: P. Agustin
For (As Amended): RECORDING MEDIUM)
REPRODUCTION APPARATUS)
HAVING REPRODUCTION)
RESTRICTION INFORMATION)

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Alexandria, VA 22314

Sir:

NOTICE OF APPEAL TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated December 29, 2004, the period for response to which extends through June 29, 2005 by a three-month extension of time, finally rejecting claims 1, 3, 6 and 9.

06/29/2005 JBALINAN 00000115 500310 09891288
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1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- Applicant requests an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input checked="" type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Please charge Deposit Account No. 50-0310 in the amount of **\$1,020.00** for the three-month extension of time fee.

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

- The Commissioner is authorized to charge the appeal fee of **\$500.00** to Deposit Account No. 50-0310.

3. Fee Payment

- The Commissioner is authorized to charge Deposit Account No. 50-0310 in the amount of **\$1,520.00** representing \$500.00 for the Notice of Appeal fee and \$1,020.00 for the three-month extension of time fee.

5. Constructive Petition

- Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



By:

Peter J. Sistare
Reg. No. 48,183

Dated: June 28, 2005

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